

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

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OTIS LEON STORY,  
Plaintiff,

vs.

Complaint:

DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON, SC

EDWARD E. KOPKO,  
WALKER J. WIGGINS,  
ALSTON C. BADGER, JR.,  
ASSISTANT UNITED STATES ATTORNEY.  
IN THEIR INDIVIDUAL AND OFFICIAL  
CAPACITIES DEFENDANTS ET. AL.

CIVIL RIGHTS COMPLAINT WITH JURY DEMAND

This is a 1983 action filed by Otis Leon Story alleging breach of contract. Seeking declaratory judgment and injunctive relief. Payment for Court Cost and Attorney fees, as well as liability for breach of the contract, with a Jury Trial Demand.

JURISDICTION

This is a Civil Rights Action under 42 U.S.C. 1983. This Court has jurisdiction under 28 U.S.C. 1343. Plaintiff also invokes the pendent jurisdiction of this Court.

PARTIES

- 1) Plaintiff named in this action is presently being held in United States Penitentiary Atlanta, Georgia.
- 2) Defendants: Edward E. Kopko and Walter J. Wiggins are Attorneys who were retained by Plaintiff to act as his counsel in the contractual agreement between Plaintiff and the United States. They are sued in their individual and official capacities.
- 3) Alston C. Badger, Jr. is an Assistant United States Attorney in the District of South Carolina; he is an agent for the United States, acting as the United States Attorney. He is sued in his individual and official capacities.
- 4) All defendants have acted under color of authority as lawyers.
- 5) And Alston C. Badger, Jr. has at all times relevant to this civil complaint acted under the color of law as an Attorney for the United States.

#### FACTS

On April 16<sup>th</sup>, 2008, Edward E. Kopko, Walter J. Wiggins, and Alston C. Badger, Jr. presented a contract to Plaintiff in the form of a plea-agreement. Said contract specifically listed that Plaintiff could preserve the issue of lack of evidence supporting the Indictment in

Plaintiff's criminal case. This agreement was never kept. It was the sole premise on which Plaintiff entered into the contract on, and all defendant's violated the contract's agreement.

CLAIMS  
FIRST CAUSE OF ACTION

- 1) The actions of defendants Edward E. Kopo, Walter J. Wiggins, named in the facts of this complaint violate the contractual agreement for which both defendants were retained to perform.
- 2) The actions of defendant Alston C. Badger, Jr. as mentioned in the facts of this complaint violate the contractual agreement drawn up by defendant Alston C. Badger, Jr. as the Attorney for the United States.
- 3) All defendants named violated the written terms of the contract.

SECOND CAUSE OF ACTION

- 4) The actions of the defendants stated in the complaint were and are willingly and intentionally done all in violation of the written and signed contract by all parties.

5) Plaintiff was deprived of proper representation by defendants Edward E. Kopko and Walter J. Wiggins, as both defendants allowed the contract to be breached and violated.

### THIRD CAUSE OF ACTION

1) The actions of all defendants named throughout this complaint violate the agreed signed contract.

2) Defendant Alston C. Badger, Jr., Assistant United States Attorney is the drafter of the contract and therefore, responsible for its contents and the terms of it being enforced.

3) Defendant Alston C. Badger, Jr. failed to comply with the contract he himself drew up.

### RELIEF REQUESTED

WHEREFORE, Plaintiff requests that the Court grant the following relief:

(A) Issue a declaratory judgment, that defendants violated and breached the terms of the contract. Defendants Edward E. Kopko and Walker J. Wiggins failed to see that the terms of the contract were fulfilled. Defendant Alston C. Badger, Jr. violated the contract he drew up.

(B) Issue an immediate injunction, ordering the defendants to:

- 1) Refrain from breaching and violating contractual agreements entered into by the United States Attorney.

(C) Pay all attorney fees and cost of court.

(D) Grant the relief of voiding the contracts as all defendants have breached and violated the terms of the contract.

(E) Grant such other relief as it may appear Plaintiff is entitled.

Respectfully submitted,

/s/

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Otis Leon Story

Reg. No. 12077-171

United States Penitentiary

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